IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 978 OF 2004.

Anant Soma Lad (since deceased)
1A. Yamunabai Soma Lad & ors. .... Appellants.
Versus
Kavishanlal G.Agarwal & ors. .... Respondents.

Shri S.S.Redekar for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 11th January 2005.

P.C.:

1. Notice of Motion taken out by the Appellants under Order 39 Rule 2A of the Code of Civil Procedure, 1908, has been rejected by the impugned order against which Appeal is not maintainable. The learned Counsel for the Appellants seeks permission to withdraw the Appeal with liberty to file appropriate proceedings to challenge the impugned order. Accordingly the Appeal is allowed to be withdrawn with liberty to file appropriate proceedings for challenging the impugned order. There will be no order as to costs.

Judge.